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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cassels, et al.

Serial No.: 08/905,046

Filed: 1 August 1997

For: MONOCLONAL ANTIBODY WHICH  
AGGLUTINATES E. COLI HAVING THE CS4-  
CFA/I FAMILY PROTEIN

Group Art Unit: 1645

Examiner: Devi, Sarvamangala J. N.

Atty Dkt No.: 034047.037  
(WRAIR 95-10)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)

Commissioner for Patents  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

Via Facsimile 703-872-9306

Dear Sir:

This is a petition to revive the above-identified application which became abandoned from failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office.

1. Petition Fee

☐ A check is enclosed or ☐ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the small entity fee of \$ 665.00 under 37 C.F.R.

1.17(m). Applicant claims small entity status.

☐ A check is enclosed or ☒ please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the large entity fee of \$ 1330.00 under 37 C.F.R.

1.17(m).

2. Reply and/or Fee

A. The reply and/or fee to the above-noted Office action in the form of \* (type), mailed \*,

☐ has been filed previously on \*.

☐ is enclosed herewith.

11/10/2004 KELLEY 00000004 210380 08305046

01 FC:1501 1330.00 DA  
02 FC:1453 1330.00 DA  
03 FC:8001 33.00 DA

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FROM

Smith, Gambrell & Russell, LLP

Attorneys at Law  
1850 M Street, N.W.  
Suite. 800  
Washington, D.C. 20036  
Telephone: (202) 263 4300  
Facsimile: (202) 263 4329

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FACSIMILE TRANSMISSION

TO: THE UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE No.: (703) 872-9306

ATTN: Examiner Sarvamangala J.N. DEVI

No. Pages (including this page): 11

IF YOU DO NOT RECEIVE CLEARLY ALL PAGES, PLEASE CONTACT US IMMEDIATELY

By Telephone AT: (202) 263-4300

Attorney Docket: 034047.037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cassels, et al.

U.S. Serial No.: 08/905,046

Group Art Unit: 1645

Filed: 1 August 1997

Examiner: Sarvamangala J.N. DEVI

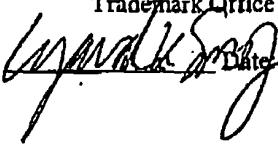
For: MONOCLONAL ANTIBODY WHICH AGGLUTINATES E. COLI HAVING  
THE CS4-CFA/I FAMILY PROTEIN

List of attached document(s):

- A) Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37  
C.F.R. 1.137(b)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the above identified document A  
is being facsimile transmitted to the Patent and  
Trademark Office on the date shown below.

Name: Suzannah K. Sundby, Reg. No. 43,172 Sig.:  Date: 10 June 2004

- ☐ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the \* entity \* fee of \$\* under 37 C.F.R. \*.

B. The issue fee of \$1330.00.

- ☐ has been filed previously on \*.
- ☐ is enclosed herewith.
- ☒ Please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10) for the large entity issue fee of \$1330.00 under 37 C.F.R. 1.18(a).

3. Matters related to the Notice of Allowance and Issue Fee Due – Since Applicants do not have a copy of the Notice of Allowance and Issue Fee due:

- ☒ Applicants would appreciate a copy of the missing Notice of Allowance and Issue Fee Due to be forwarded to Suzannah K. Sundby at the address below.
- ☒ In part B of the Fee Transmittal in Box 2, please indicate "Elizabeth Arwine" as the name of the patent attorney for printing on the patent front page.
- ☒ In part B of the Fee Transmittal in Box 3, please indicate the Assignee as "The United States of America as represented by the Secretary of the Army (Washington, DC)".
- ☒ If necessary, please debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 for the publication fee of \$300.00 under 37 C.F.R. 1.18(d).
- ☒ Please send 11 soft/advance copies of the issued patent to Suzannah K. Sundby at the address below and debit our Deposit Account No. 210-380, Attorney Docket No. 034047.037 in the amount of \$33.00 under 37 C.F.R. 1.19(a)(1).

4. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility application was filed on or after 8 June 1995, no terminal disclaimer is required.

5. Other

- ☒ Three signed revocation and new power of attorney forms are submitted herewith.
- ☒ Applicants respectfully request that once the decision to grant this Petition is made, that Suzannah K. Sundby be notified via telephone or facsimile as soon as possible such that

SGRDC/216137.1

Applicants may timely pay the filing fee for the continuation application (which will claim priority to the present application should this petition be allowed) that has been concurrently filed herewith.

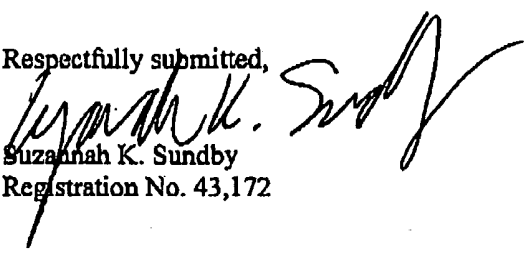
#### 5. STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Specifically, Applicants note that the Notice of Allowance and Issue fee due was not received and believe that it was lost in the mails during the Anthrax U.S. Postal Service closings in Washington, DC, mail diversions, and destruction and/or non-delivery of mail suspected of contamination. Applicants did receive a Notice of Abandonment mailed 13 March 2003, but did not know that the prior attorney did not address or respond to the Notice of Abandonment until recently when the case was transferred to Suzannah K. Sundby in April 2004. Since the transfer of the case in April 2004 to the present date, Applicants were endeavoring to determine the facts related to the abandonment. During such time, Applicants determined that there was no intent on the part of the Applicants that the application go abandoned. Therefore, the entire period of abandonment was unintentional.

It is not believed that fees beyond those submitted herewith are required. If, however, any additional fees are necessary in order to grant this petition, then such fees are hereby authorized to be charged to our Deposit Account No. 210-380, Attorney Docket No. 034047.037 (WRAIR 95-10).

Respectfully submitted,

  
Suzannah K. Sundby  
Registration No. 43,172

Date: 10 June 2004

SMITH, GAMBRELL & RUSSELL, LLP  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4332  
Fax: (202) 263-4352

**Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-872-9306.

Date: 10 June 2004

  
Suzannah K. Sundby

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